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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,587	03/11/2004	Yury Zelechonok	CFL 27613	5298

7590

03/30/2006

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EXAMINER

THERKORN, ERNEST G

ART UNIT PAPER NUMBER

1723

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,587	Applicant(s) ZELECHONOK ET AL.	
	Examiner Ernest G. Therkorn	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 11-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 7-8 of claim 11, "inward parts of the end coupling members" lack antecedent basis and lack a definition. As such, the claims are considered to be indefinite.

Claims 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No support for "the outer tube having a cylindrical outer surface extending uniformly substantially end to end and comprising the maximum outer dimension of the column." Figure 1 of the instant specification clearly shows the outer column to be significantly shorter than the length of the column. In addition, Figure 1 of the instant specification shows the outer tube is not uniform because it is bent at both ends. As such, the claims are considered to be drawn to new matter.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) and

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either Brown (U.S. Patent No. 6,615,989) or Firth (U.S. Patent No. 4,855,047). At best, the claims differ from Schick (U.S. Patent No. 5,651,885) in reciting use of sealing members and possibly use of a groove. Higgins (U.S. Patent No. 4,451,364) (column 4, lines 33-44) discloses that a plug with sealing surfaces is operative to provide primary sealing surfaces. Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly. Firth (U.S. Patent No. 4,855,047) (column 4, lines 32-40) discloses use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed." It would have been obvious to use a sealing plug in Schick (U.S. Patent No. 5,651,885) because Higgins (U.S. Patent No. 4,451,364) (column 4, lines 33-44) discloses that a plug with sealing surfaces is operative to provide primary sealing surfaces. It would have been obvious to use a groove in Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) either because Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly or because Firth (U.S. Patent No. 4,855,047) (column 4, lines 32-40) discloses use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed."

The remarks urge that Schick (U.S. Patent No. 5,651,885) does not disclose end couplers. However, on column 6, lines 16-19, Schick (U.S. Patent No. 5,651,885) discloses end fittings as elements 32 and 34. "End fitting" is considered to be a synonym for "end coupler." This is evidenced by column 7, lines 53-55 of Schick (U.S. Patent No. 5,651,885) disclosing that tubes are connected to these ends.

The remarks urge that Schick (U.S. Patent No. 5,651,885)'s outer tube 25 does not overlie the end couplers. However, Figure 2 of Schick (U.S. Patent No. 5,651,885) pictorially shows outer tube 25 overlying end couplers 32 and 33.

The remarks urge patentability based upon "the outer tube having a cylindrical outer surface extending uniformly substantially end to end and comprising the maximum outer dimension of the column." Figure 1 of the instant specification clearly shows the outer column to be significantly shorter than the length of the column. In addition, Figure 1 of the instant specification shows the outer tube is not uniform because it is bent at both ends. As such, the limitation is considered to be drawn to new matter.

The remarks urge patentability based upon excluding the use of a holder. However, the open ended format of the claims as evidenced by the word "comprising" does not exclude the use of a holder.

The remarks urge patentability based upon deformation. However, Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly. Firth (U.S. Patent No. 4,855,047) (column 4, lines 32-40) discloses

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use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed." It would have been obvious to use a groove in Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) either because Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly or because Firth (U.S. Patent No. 4,855,047) (column 4, lines 32-40) discloses use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed."

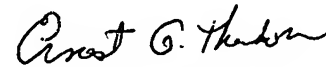
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT
March 22, 2006